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BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			EXAMINER NGUYEN, HANH N	
			ART UNIT 2416	PAPER NUMBER
			NOTIFICATION DATE 01/02/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/579,348

Applicant(s)

PEARCE ET AL.

Examiner

Hanh Nguyen

Art Unit

2416

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-91 is/are pending in the application.
- 4a) Of the above claim(s) 75-91 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 is/are allowed.
- 6) ☐ Claim(s) 8-13 and 54-72 is/are rejected.
- 7) ☒ Claim(s) 73 and 74 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Note

In the Remark, Applicant elects claims 8-14 and 54-74 to be examined, but does not indicate the status of claims 75-99. Therefore, examiner assumes claims 75-99 withdrawn.

Claim Rejections - 35 USC § 101

the claimed invention is directed to non-statutory subject matter.

In claims 59, 66, " executing " is only used when there is a computer readable medium storing computer programming instructions which is executed by a processor to perform steps. There is not programming instructions stored in a computer readable medium which is executed by the device. Therefore, the subject matter of claims 59 and 6 are not statutory.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 54, 57, 61 and 64 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 54 and 61, is " call manager" on line 6 referred to " a first call manager" or " a second call manager" on line 5 or " any call manager" of the plurality of call managers ?

Inclaims 57 and 64, it is not clearly addressed by " to receive a response from the device to a polling message transmitted to the device by the first call manager"?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-13, 54-56, 58-63, 65-72 are rejected under 35 USC 103(a) as being unpatentable over Kung et al. (US pat. No. 6,671,262 B 1).

In claims 8, 10, according to the specification, a call manger is off-line when a call manger is fail/reach full capacity (page 4, lines 20-30 and page 21, lines 20-30); and disconnected from the network or unable to communicate with other active call managers (see col.21, lines 20-25). Further on page 3, lines 25-30 and page 4, lines 25-30, the specification describes claimed "deleting registration information associated with the first call manager" (see col.3, lines 25-30) as part of "device registration information is automatically updated between active call managers and sent to new call managers" (see page 4, lines 25-30). Therefore, examiner understands that "updating

registration information associated with a call manger" automatically includes "deleting the registration information associated with a call manger".

Kung et al. discloses, in fig. 1, a plurality of IP central station 200 (col.5, lines 1-5).

Each Ip central station 200 (as shown in Fig.2), includes a call manger 218 which is coupled to IP network 120 (see col.6, line 63 to col.7, line 1; a first call manager and a second call manager are coupled in a packet based network).The call manager includes a storage listing number of subscribers, verifies identity of the calling subscribers and authenticates whether a call is authorized (storing registration information associated with devices). See col. 10, lines 25-35 and lines 55-65.

Kumar in fig. 13, step 1309, discloses call servers CS associated with a call manager are not available (see col.36, lines 10-17; a first call manager has gone off-line/down) or overloaded because of the current resource is not available (see col.36, lines 40-45).

One of functions of the call manager 218 is to provide call setup, call state maintenance, teardown, call processing such as voice over Ip for a user (see col. 9, lines 10-50 and col.10, lines 10-25; a call manger controls a device). In response to a new call wishes to join into an existing conference (step 1301; fig. 13; col.36, lines 15-20) and the current call manager 218, after polling its conference servers for available resource (step 1307, Fig. 13; col.36, lines 30- 43), defines that its servers does not have enough resources to provide the new call because the servers are overloaded (col.36, lines 10-15; a change occurs in a call manager such that the call manager is off-load). The call manager 218 communicates with other call managers 218 in other Ip domains (step 1315; col.36, lines 42-47) requesting available resource for the new call (see col. 36, lines 45-55;

communicating status information from a first call manager to a second call manager in response to a change of a call manager controlling a device). Therefore, at step 1327, fig. 13, the new call manager 218 updates the new calling subscriber to the conference call (updating registration information by the second call manager in response to receiving the status information). See col.36, lines 55-60.

Kung does not disclose a second call manager deleting registration information associated with the first call manager in off-line status.

Based upon specifications on page 3, lines 25-30 and page 4, lines 25-30 shown above, when the new call manager 218 updates the new calling subscribers (registration information) to the conference call, it is inherent that there is deletion existing subscribers or adding new subscribers information. Therefore, the step of deleting registration information associated with the first call manager is inherently included in the updating registration information step of Kumar.

For more information, the call manager 218 further comprises one or more databases including resources that are connected to the broadband network 1 (fig. 1) and their current states (col.10, lines 55-65).

In claims 54 and 61, Kung discloses a method for device registration replication, comprising: providing a plurality of call managers in a packet-based network, each call manager controlling one or more devices coupled to the packet-based network (see fig.1 & 2, col.5, lines 1-5, col.6, lines 63 to col.7, line 1; a plurality of IP central stations 200, each includes a call manager 218 coupled to IP network 120) and storing

composite registration information associated with the devices (see col.10, lines 25-35 and lines 55-65; a storage listing number of subscribers, verifying identity of calling subscribers and authenticating whether a call is authorized; Call manager 218 further comprises resource databases providing identification of resources are connected to broadband network and current state); communicating status information from a first call manager to a second call manager in response to a change in which call manager of the plurality of call managers controls a device (In response to a new call wishes to join into an existing conference (step 1301; fig. 13; col.36, lines 15-20) and the current call manager 218, after polling its conference servers for available resource (step 1307, Fig. 13; col.36, lines 30- 43), defines that its servers does not have enough resources to provide the new call because the servers are overloaded (col.36, lines 10-15; a change occurs in a call manager such that the call manager is off-load). The call manager 218 communicates with other call managers 218 in other ip domains (step 1315; col.36, lines 42-47) requesting available resource for the new call (see col. 36, lines 45-55; communicating status information from a first call manager to a second call manager in response to a change of a call manager controlling a device); and updating the composite registration information stored by the second call manager in response to receiving the status information (see fig.13, step 1327, col.36, lines 55-60; the new call manager 218 updates new call subscriber to the conference call).

In claims 9,11, 69, Kumar discloses determining that a first call manager has gone off-line (see fig.13, step 1303, 1305; determining the call manger 218 is unavailable due to not enough resources) comprises: transmitting a polling message from the second call

manager over the packet-based network directed to the first call manager (fig. 13, steps 1307, 1315; polling central servers CS associated with the call manager as well as communicating with other call manager to determine their availability); and failing to receive a response from the first call manager, the first call manager having previously responded to a polling message from the second call manager (see fig. 13, after steps 1315, 1317 brings result "NO" indicates no central servers associated with other call managers is available).

In claim 12, Kumar discloses above in claim 8, that in each central station IP 200, there is a call manger 218. The system 1 (fig. 1) of Kumar describes a plurality of IP central station 200. Therefore, it is understood that there are more than two call managers 218 communicating registration information from each other including between the third call manger and the first call manager. With similar concepts, each call manger 218 stores registration information of other devices or other call managers (communicating local registration information associated with devices controlled by a third call manager from the third call manager to the first call manager; and combining the registration information received from the second and third call managers by the first call manager to form the composite registration information stored by the first call manager).

In claim 13, as described in the rejection of claim 8 above by Kumar, it is inherent that during updating new subscriber information at step 1327, fig. 13, adding local registration information (such as new subscriber information) should be done by every call manager in the packet network because adding user information is part of updating.

registration information associated with devices controlled by the first call manager to the composite registration information stored by the first call manager.

In claims 55 and 62, Kung discloses communicating status information in response to a change in the control status of a device comprises communicating registration information associated with a newly registered device controlled by the first call manager (see col.36, lines 55-60; fig.13, step 1327, updating new party to the conference call by the call manager); and updating the composite registration information comprises adding the registration information associated with the newly registered device to the composite registration information stored by the second call manager (same as above; see col.36, lines 55-60; fig.13, step 1327, updating new party to the conference call by the call manager).

In claims 56 and 63, Kung discloses communicating status information in response to a change in the control status of a device comprises communicating a deletion message indicating the removal of a device from the control of the first call manager (see fig.12, step 1219, col.35, lines 25-38; dropping call if no ID is provided after a third calling attempt); and updating the composite registration information comprises deleting the registration information associated with the device from the composite registration information stored by the second call manager (see fig.5, delete message 529 is issued by the call manager 218 when the call is completed and the resource is releases).

In claims 58 and 65, Kung discloses the composite registration information comprises: local registration information associated with devices controlled by the second call

manager storing the composite registration information (see col.10, lines 25-35; call manager 218 includes storage for subscribers verification and authentication); and remote registration information associated with devices controlled by other call managers (see col.10, lines 67; one or more other databases providing resources and customer database indicating whether the call is authorized) .

In claims 59, 66, Kung discloses the composite registration information comprises: a telephone number associated with at least one device (see col.9, lines 10-15, the operation of the invention is associated with a user picks up a telephone to send a signal to call manager 218); and a process identification string identifying a device process executing in a call manager controlling the device, the device process coordinating communication with the device (see fig.11, steps 1103, 1107, 1111 and col.34, lines 15-30; process the received dialed digits from a caller to determine whether it is for a conference call. If it is not a valid conference call, the call is dropped)

In claim 60 and 67, Kung discloses the composite registration is stored in the storage of databases (see col.10, lines 25-35 and lines 55-65), but does not disclose a registration information table. It is well-known to one skilled in the art that a storage including subscriber 's identification such as caller ID, authentication status, can be arranged in a table stored in the call manager of Kung. Kung further discloses each telephone number is associated with a process identification string (see fig.11, step 1101 ;col.34, lines 15-20, call manager 218 receives dialed digits from calling party).

In claim 68, the limitations of thses claim has been addressed in claim 8 and 14.

IN claims 70, 71, Kung discloses determining that the second call manager has come on-line (see fig.13, step 1315; c ol.36, lines 40-50; call manager communicates with other call manager to determine if one call manager is available to provide resource) ; and communicate local registration information associated with devices controlled by the first call manager to the second call manager (see fig.13, step 1325, col.36, lines 50-55; redirect new cal to avaialble central station of the new call manager. The response represents by " YES" followed by step 1317 in fig.13).

In claim 72, Kung discloses a plurality of central stations 200, each comprises a call manager 218 (see claim 8). Therefore, there is a third call manager that redirects the new call to another available call manager as shown in fig.13, step 1325).

Allowable Subject Matter

Claims 73 and 74 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 14 is allowed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Thursday from 8:30 to 4:30PM. The examiner can also be reached on alternate.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on 571 272 3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hanh Nguyen/

Primary Examiner, Art Unit 2416.